



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

Jiro HITOMI, et al

GROUP: 1653

SERIAL NO.: 09/910,208

EXAMINER: MAYES, Laurie A.

FILED: July 20, 2001

FOR: NOVEL CALCIUM-BINDING PROTEINS

RESPONSE

Assistant Commissioner of Patents
& Trademarks
Washington, DC 20231

SIR:

This is in response to the outstanding office communication dated October 2, 2002. Any necessary fees should be deducted from Deposit Account No. 01-1944.

In the office communication, the Examiner has alleged that two inventions exist with the first represented by group I inclusive of claims 1-4 drawn to a calcium-binding protein and the second group II inclusive of claims 18-24 drawn to an antibody. Restriction between the two inventions has been requested under 35 USC 121 based on the two inventions being distinct, each from the other as set forth in the office communication.

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In response to the restriction requirement, applicant provisionally elects to prosecute group II inclusive of claims 18-24 and reserves the right to file a divisional application for claims 1-4 at a later time.

Respectfully submitted,

Eugene Lieberstein
Reg. No. 24,645

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner of Patents & Trademarks, Washington, DC 20231 on January 2, 2003.

Date: Jan. 2, 2003